IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6177 OF 2005

Satish Ashruba Kshirsagar. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Vikas Shivarkar for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 28th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. Initially offence was registered against the Applicant and co-accused under section 307 of the Indian Penal Code. Later on it was converted into section 302 of the IPC as the injured person had succumbed to the injuries. The F.I.R. is registered by the injured himself who stated that the co-accused Vijay assaulted him by using the weapon. The only allegation against the Applicant is that the Applicant and the third accused were holding the victim when Vijay assaulted him. The accused Vijay has been enlarged on bail as he was found to be a juvanile. The third accused is enlarged on bail under section 167 of the Code of Criminal Procedure, 1973.

2. The statement of the co-accused Vijay forms part of the charge sheet. According to the said Vijay, the

Applicant was trying to intervene in the dispute between the said co-accused Vijay and the deceased.

3. The Applicant is in custody since 19th July 2004. The charge sheet has been filed long back. Considering the aforesaid material on record and the limited role ascribed to the Applicant in the commission of offence, the Applicant is entitled to be enlarged on bail.

4. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.277 of 2005 registeerd at Nigadi Police Station, subject to furnishing a personal bond of Rs.10,000/- with one or two local sureties.

(ii) The bail is granted subject to condition that the Applicant will report to the concerned Police Station once in a fort-night till conclusion of trial.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution

evidence.

(iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.